

1 **UNITED STATES DISTRICT COURT**

2 **DISTRICT OF NEVADA**

3 UNITED STATES OF AMERICA,

4 Plaintiff,

5 v.

6 JAVIER ENCINAS,

7 Defendant.

Case No. 2:21-cr-00263-EJY

FINDINGS OF FACT, CONCLUSIONS  
OF LAW AND ORDER

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10 **FINDINGS OF FACT**

11 Based on the pending Stipulation of counsel, and good cause appearing therefore, the  
12 Court finds that:

13 1. Additional time is needed to resolve the other negotiated case related to this  
14 case. Specifically, a sentencing is currently scheduled for July 20, 2022 in Case No. 2:21-cr-  
15 00262-APG-EJY.

16 2. Mr. Encinas is in custody and agrees with the need for the continuance.

17 3. The continuance is not for the purpose of delay and denial of this request  
18 would result in a miscarriage of justice.

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1 **CONCLUSIONS OF LAW**

2 The ends of justice served by granting said continuance outweigh the best interest of the  
3 public and the defendant in a speedy trial, since the failure to grant said continuance would be  
4 likely to result in a miscarriage of justice, would deny the parties herein sufficient time and the  
5 opportunity within which to be able to effectively and thoroughly prepare for trial, taking into  
6 account the exercise of due diligence.

7 The continuance sought herein is excludable under the Speedy Trial Act, Title 18,  
8 United States Code, Section 3161(h)(7)(A), when the considering the facts under Title 18,  
9 United States Code, § 316(h)(7)(B)(iv).

10 **ORDER**

11 IT IS THEREFORE ORDERED that the bench trial currently scheduled on Wednesday,  
12 June 29, 2022, at 1:00 p.m., be vacated and continued to **August 3, 2022 at the hour of**  
13 **10:00 a.m.** in Courtroom 3A.

14 DATED this 21st day of June, 2022.

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16 UNITED STATES MAGISTRATE JUDGE  
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